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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

YUN, EUGENE

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/383,481

Applicant(s)

RIMPELA ET AL.

Examiner

Eugene Yun

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 6) ☐ Other:

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Figures 1, 2, and 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3 and 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Honkasalo et al. (US 5,995,496).

Referring to Claim 1, Honkasalo teaches a method for controlling the operation of a mobile station in a packet switched communication network based on a cellular network, which communication network is arranged to transfer information between a base station and at least one mobile station by means of a radio channel, wherein to transfer information, a transmission power on a set level is used on the radio channel (see ABSTRACT), and wherein information that is divided into successive blocks is transmitted from the base station to the mobile station on the radio channel (see col. 7, lines 48-50), characterized in that said block comprises information on the transmission power level of any block (see col. 8, lines 10-15).

Referring to Claim 8, Honkasalo teaches a communication system for implementing packet switched data transmission based on a cellular network, which communication system is arranged to transfer information between a base station and at least one mobile station by means of a radio channel, wherein data transmission on the radio channel is arranged to take place with a transmission power on a set level (see ABSTRACT), and wherein information that is divided into successive blocks is transmitted from the base station to the mobile station on the radio channel (see col. 7, lines 48-50), characterized in that the communication system is also arranged to

transmit said block containing information on the transmission power level of any block, via a radio channel (see col. 8, lines 10-15).

Referring to Claim 9, Honkasalo teaches a wireless communication device, arranged to function in a communication system, which communication system is arranged to implement packet switched data transmission based on a cellular network, and which communication system is arranged to transmit information between a base station and at least one wireless communication device by means of a radio channel, wherein data transmission on the radio channel is arranged to take place with a transmission power on a set level (see ABSTRACT), and wherein the radio channel is arranged to transmit information that is divided into successive blocks, from the base station to the wireless communication device (see col. 7, lines 48-50), characterized in that the wireless communication device is also arranged to receive said block transmitted by the base station on the radio channel, which block contains information on the transmission power level of any block (see col. 8, lines 10-15).

Referring to Claim 10, Honkasalo teaches a method for controlling the function of a mobile station in a packet switched communication network based on a cellular network, which communication network is arranged to transfer information between a base station and at least one mobile station by means of a radio channel, wherein to transfer information, a transmission power on a set level is used on the radio channel (see ABSTRACT), and wherein information that is divided into successive blocks is transmitted from the base station to the mobile station on the radio channel (see col. 7, lines 48-50), characterized in that a block that is transmitted repeatedly and at fixed

intervals is transmitted with a fixed transmission power in order to establish a reference level (see col. 12, lines 31-35).

Referring to Claim 11, Honkasalo teaches a communication system for implementing packet switched data transmission based on a cellular network, which communication system is arranged to transfer information between a base station and at least one mobile station by means of a radio channel, wherein the information transmission on the radio channel is arranged to occur with a transmission power on a set level (see ABSTRACT), and which radio channel is arranged to transmit information that is divided into successive blocks, from the base station to the mobile station (see col. 7, lines 48-50), characterized in that the communication system is also arranged to transmit, at a fixed transmission power, a block that transmitted repeatedly and at fixed intervals, to establish a reference level and control the mobile station (see col. 12, lines 31-35).

Referring to Claim 12, Honkasalo teaches a wireless communication device, arranged to function in a communication system, which communication system is arranged to implement packet switched data transmission based on a cellular network, and which communication system is arranged to transmit information between a base station and at least one wireless communication device by means of a radio channel, wherein data transmission on the radio channel is arranged to take place with a transmission power on a set level (see ABSTRACT), and wherein the radio channel is arranged to transmit information that is divided into successive blocks, from the base station to the wireless communication device (see col. 7, lines 48-50), characterized in

that the wireless communication device is also arranged to receive a block that is transmitted repeatedly and at fixed intervals from the base station with a fixed transmission power, to establish a reference level for the wireless communication device and to control its function (see col. 12, lines 31-35).

Referring to Claim 2, Honkasalo also teaches said block comprising information on the transmission power level of another block to be transmitted next (see col. 8, lines 36-40).

Referring to Claim 3, Honkasalo also teaches said block comprising information on the transmission power level of said block (see col. 8, lines 1-4).

Referring to Claim 6, Honkasalo also teaches said transmission power level indicated as a difference with respect to a known reference level (see col. 8, lines 25-32).

Referring to Claim 7, Honkasalo also teaches said reference level as a BCCH channel according to the GPRS system (see col. 6, lines 40-53).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honkasalo in view of Hamalainen et al. (US 6,359,904).

Honkasalo teaches an RLC block according to the GPRS system used as said block (see col. 11, lines 18-20). Honkasalo does not teach the information on the transmission power level transmitted by means of an MAC header in the RLC block. Hamalainen teaches the information on the transmission power level transmitted by means of an MAC header in the RLC block (see col. 3, lines 65-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Hamalainen to said communications network of Honkasalo in order to reduce the use of too high power levels in a mobile station.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honkasalo and Hamalainen as applied to claim 1 above, and further in view of Turina (US 6,031,832).

Hamalainen teaches said transmissions power level indicated by means of bits contained in an octet of said MAC header (see col. 9, lines 23-38). The combination of Honkasalo and Hamalainen does not teach at least some of the bits being arranged for a TFI field in a way known as such. Turina teaches at least some of the bits being arranged for a TFI field in a way known as such (see col. 7, lines 48-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Hamalainen to said communications network of Honkasalo in order to reduce the use of too high power levels in a mobile station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun
Examiner
Art Unit 2683

EY
March 26, 2002

Lee Nguyen
Primary Examiner

Lee 4/3/02